

REMARKS

The Office Action of October 1, 2009, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 40-42, 44, 47-49 and 60 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ricci (U.S. Patent No. 6,245,230) and claims 45 and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ricci. For at least the following reasons, Applicants respectfully traverse these rejections.

The primary reference relied upon by the Examiner, Ricci, is directed to a portable dechlorinator filter, primarily designed for use in dechlorinating the water in a bath tub. Ricci provides spheres 10, 12 filled with a dechlorinating filter material 36, made of a copper-zinc alloy. The metal of the filter material 36 tends to prevent bacteria building up on the filter (See, Col 3, lines 44-46).

The Examiner contends that the bath tub of Ricci is part of a water distribution system, however, the applicants respectfully assert that this is not the case. A bath tub is not part of a water distribution system, but rather it is a receptacle that water is distributed to and drained from -- it is not part of the system itself. Moreover, the Examiner argues that the plastic outer spheres 10, 12 of Ricci define a circulation member as recited in the instant claims. Applicants respectfully submit that the spheres 10, 12 are not themselves part of a water distribution system and cannot therefore be regarded as circulation members.

Given that the spheres of Ricci are only suggested for use in a bath tub, which is conventionally drained after each use, the spheres of Ricci are not intended to sit

in water for long periods of time in a confined area to kill bacteria as are the decontaminating members of the claimed invention.

In addition, the Examiner regards the ball of gauze-like fabric containing decontaminating filament material 30, 36 as being a decontaminating member. Whilst 30 is restrainably located within the plastic sphere 10, 12 it is clearly not freely moveable therein. Specifically, figures 4 and 5 show that the gauze 30 is a close fit within the plastic sphere 10 12 and is by no means freely moveable.

Finally, when one of the balls of Ricci is placed in or removed from a bath tub (i.e., a confined body of water as recited in claim 1 of Ricci) there is no "stream" as would be understood by one skilled in the art. The term stream implies a particular direction of flow of water through the circulation member, with the claimed decontaminating member being disposed either upstream or downstream within the circulation member. This is clearly not the case in Ricci wherein the bath tub water is confined and generally still.

With reference to claim 41, the recitation that the decontaminating member or members will locate in a lowermost part of the circulation member implies, in conjunction with the "freely movable" feature of claim 40, that there is a difference in size between the decontaminating member and the circulating member and that other relative locations are possible. As noted above, in Ricci, the cover 30 containing the filter material is substantially the same size as the plastic sphere 10 so there is no possibility for it to locate in a lowermost part of the sphere when no water is passing through it, it simply remains static whether there is water or not.

With regard to claim 45, Ricci does not suggest a mixture of decontaminating members which respectively either float or sink in water. Tompkins, upon which the Examiner appears to also rely, is in an entirely different art, namely a filter assembly for an airbag inflator for use in cars, therefore, it would not be considered by a person skilled in the art of water distribution. In addition, Tompkins would appear to merely disclose multiple concentrically arranged layers of filters rather than multiple decontamination members, and furthermore there is no indication for some of these filters being buoyant and others not being buoyant. Further, Heskett simply discloses an in-line water filter in which the filter medium appears to be fixed and of metal particulates. There is no disclosure of buoyant decontaminating members in Heskett.

Newly added dependent claims 62 to 64 clarify the form of the circulation member in more detail so as to further distinguish the loose plastic spheres of Ricci. New claim 65 refers to the outer surface being of silver material, which is novel over Ricci which refers only to zinc and copper material. New claim 66 further specifies that at least one decontaminating member must float and at least one must sink.

Newly added independent claim 67 further defines a water distribution system and the relation of the circulation member thereto. For at least the reasons set forth above relative to claim 40, Applicants respectfully contend that claim 67 is also patentable over the cited prior art.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: /WLWeinstein/
Wendi L. Weinstein
Registration No. 34456

Customer No. 21839
703 836 6620